

**Planning and Zoning Commission Webinar Meeting  
February 18, 2021 @ 7:00pm**

In attendance were P&Z Chairman Pat Plocek; P&Z Secretary Marshall Gevinson; Commissioner Tim Roe; Commissioner Glen Faden (via webinar); Town Manager Debbie Botchie; GMB Representative Andrew Lyons, Jr.; and Town Clerk Matt Amerling. Commissioner Cathy Scheck was absent.

1. **CALL TO ORDER:** P&Z Chairman Pat Plocek called the meeting to order at 7:00 p.m.
2. **ROLL CALL:** P&Z Chairman Pat Plocek stated everyone was present except Commissioner Cathy Scheck.
3. **PLEDGE OF ALLEGIANCE**
4. **NEW BUSINESS**
  - A. Review and discuss a concept site plan submitted by Civil Engineering Associates Inc. on behalf of Ardent Companies LLC, for the proposed Millville by the Sea Village 7; Tax Map Parcel #134-12.00-3294.00; consisting of 5.9 acres.  
Proposed project: 33 Villa Units  
Subdivision  
*Synopsis:* The applicant wishes to discuss the concept site plan for the project with the Commission before submitting the preliminary site plan to get feedback, comments, and recommendations.

P&Z Commissioner Tim Roe abstained from the discussion. Mr. Jeff Clark, of Land Tech, stated Village 7 of Millville by the Sea (MBTS) is at the intersection of Burbage Road and Substation Road, and it gets direct access with Endless Summer Drive. Mr. Clark stated the Village 7 site is currently vacant and is actually seven-point-four (7.4) acres, with a single entrance planned off Endless Summer Drive. Mr. Clark stated the plan illustrates thirty-three (33) twenty-eight (28)-foot wide townhomes with a twenty (20)-foot front yard setback, twenty (20)-foot rear yard setback, and side yards of fifteen (15) feet at the corners. Mr. Clark stated the building separations on this plan are a minimum of thirty (30) feet and the lot depths are a minimum of one-hundred (100) feet. Mr. Clark stated the required parking is two (2) off-street spaces per unit, plus one half (1/2) space per unit for overflow or guest parking; and that calculation results in the need for eighty-three (83) spaces total. Mr. Clark stated the plan provides the two (2) per unit count but the thirty-four (34) additional spaces on-street for a total of eighty-three (83), the forty-four (44) spaces would be guest parking per lot. Mr. Clark stated Village 7 is immediately adjacent to the original MBTS pool, clubhouse and passive open space. Mr. Clark stated one feature not illustrated on the plan is a central featured mailbox kiosk, but they will propose to place that in a central open area, along the curb between guest parking, between units twenty-six (26) and thirty-three (33).

Mr. Andrew Lyons Jr., of GMB, stated he reviewed the conceptual plan and this is in line with the 2019 Town comprehensive plan for future land use. Mr. Lyons stated the sidewalks going around the inner portion of lots thirty-three (33) and twenty-six (26) to be connected and go behind the proposed parking. Mr. Lyons stated to also have the sidewalks at the end of lot twenty-five (25) connect to the shared use path existing on Substation Road, and the sidewalk at

lot twenty-nine (29) connect to the existing sidewalk on Endless Summer Drive, which would create a walkable loop. Mr. Lyons stated he thinks the mailbox kiosk location would be a good one and the Town would probably recommend to have a pull-off like the other units at MBTS now. Mr. Clark stated he understands all guest on-street parking has been allowed at MBTS villages, but this proposed mailbox kiosk location behind lots twenty-six (26) through thirty-three (33) continues a sidewalk along that side of the street, and it would be a cleaner site plan if the applicant were to use on-street parking along that stretch Mr. Lyons just described, where the head-in parking is proposed. Mr. Clark asked if that would be acceptable to the P&Z for that particular stretch of road. Mr. Plocek asked if it would reduce the applicant's number of parking spaces. Mr. Clark stated it wouldn't reduce the number but they would just use the parallel guest parking in the same location instead of head-in parking. Mr. Lyons stated that type of feature is currently in Peninsula Village (MBTS), so if it doesn't reduce the amount of parking, he wouldn't see an issue with it, but the Town would have to look at it.

P&Z Secretary Marshall Gevinson asked if the parallel parking on the street will, as far as width, interfere with emergency vehicles going down the street. Mr. Clark stated the street widths are twenty-six (26) feet and on occasion there will be parking on one side of the street, but there still should be adequate paving width for traffic to pass by. P&Z Commissioner Glen Faden stated there should be some kind of roof covering over the mailbox kiosk. Mr. Clark stated he understands from Mr. Ron Sutton there's been some kind of standard which has been adopted in other villages in MBTS for mailbox kiosk covers, and the applicant is going to adopt that same standard in Village 7. Mr. Plocek stated he would like to see a trail system which would run along the back side of the properties along the pond area, which would tie into the walking path out on Substation Road, and would come around and tie into the path system by the recreation center area. Mr. Clark asked if Mr. Plocek is suggesting another pathway which would be in the rear of all the residences. Mr. Plocek stated yes. Mr. Clark asked Mr. Plocek if he thinks that may create a privacy issue for the people living in those homes. Mr. Plocek stated no, he thinks MBTS already has it in a lot of the areas out there. Mr. Plocek stated the applicant will get people walking back there anyways, so they may as well make this formal and make it safe for those people. Mr. Clark stated the major amenity is right next door to the village. Mr. Plocek stated he understands but there is no major connection from this village to that amenity and having a path around the pond, it would add to the attraction. Mr. Clark stated all of the interior sidewalks connect at three (3) different points to the sidewalk along Summerwind Drive, so that's a direct path from the interior sidewalks to that main amenity. Mr. Plocek stated people currently walk along the pond. Mr. Clark stated the site is currently vacant so he's sure people do, but that will change when houses go up there, and his concern is the privacy for those living in those homes. Mr. Rod Hart, of Ardent Companies, stated there are valid points on both sides and he thinks they can take this "back to the shop and play around with it a little bit" to see what it will look like and what can be done. Mr. Plocek decided to open up the meeting to a citizens' privilege on this item.

## **B. Citizens Privilege**

Mr. Tim Roe, of Center Point Road, asked if there will be lines painted on the roadway to direct where the parallel parking will be located. Mr. Clark asked if – elsewhere in MBTS when approved – lines have been required. Mr. Roe stated there's a difference between village to village. Mr. Lyons stated there are plans for parallel parking at Peninsula Village and it is

planned off-street parking because the street is wider at that location for the parking. Mr. Lyons stated parallel parking is allowed on the streets throughout Town, but it's been different between the different villages and developments, whether the homeowners' association (HOA) has allowed it, he doesn't know. Mr. Plocek stated since this is counting for the applicant's off-street parking, the applicant needs to designate the parking spaces by adding lines so people know exactly where they can and cannot park. Mr. Lyons stated this is a little more complicated as this is a multi-family section and parking is a little bit different in that eighty percent (80%) having to be off-street and only twenty percent (20%) is allowed to be on-street parking in the multi-family areas, according to the existing development standards.

Mr. Roe stated if you look at lots thirty-three (33) to twenty-six (26), the walkway intersects into the head-in parking and asked if there is no plan to extend the walkway nearby to behind the head-in parking, behind lot thirty-three (33). Mr. Plocek stated that area is where the parallel parking is considered to be located. Mr. Roe stated discussion has been made regarding putting more houses in and not increasing the amenities to accommodate the growth of residents, and Mr. Roe would like the applicant to know how they're going to deal with the issue. Mr. Hart stated Village 7, made up of thirty-three (33) units, is a bit of a challenge because of its size, but given it's located right next to the main amenity, there is not one in Village 7; and future villages will have amenities sprinkled within them as the applicant moves forward. Mr. Hart stated they have surveyed MBTS residents, asking them what amenities they would like to see in the future, and he got a tremendous response, which the applicant will review. Mr. Plocek stated it would be nice at some point to see that study survey to see what is being proposed or requested. Mr. Hart stated sure, they'll be happy to show that to the Town.

**C. Review, discuss and possible vote on a recommendation to Council a revision to the Millville by the Sea Master Plan and Development Performance Standards, submitted by Civil Engineering Associates Inc. on behalf of Ardent Companies LLC.**

P&Z Commissioner Tim Roe abstained from the discussion. Mr. Ron Sutton, of Civil Engineering Associates (CEA), stated this master plan has gone through four (4) different revisions since it was first created back in 2005/2006. Mr. Sutton stated on the cover sheet, most of everything is staying the same, and the biggest changes are the DelDOT entrances, to which, as of 2019, they had twenty-six (26), but they are now requesting twenty (20) into the subdivision. Mr. Sutton stated they're maintaining the same density, same projected number of residential units. Mr. Sutton stated on sheet two (2), there are the existing conditions for MBTS master plan and it's been updated to include Peninsula Village and Sea Breeze Village. Mr. Sutton stated they also show the areas belonging to Beebe Healthcare and Ocean Atlantic. Mr. Sutton further stated sheet three (3) is a landholding sheet, which explains who owns what – so everything in green is owned by Ardent Companies, as well as Peninsula Village in yellow. Mr. Sutton stated sheet four (4) discusses the developmental land base, so each village has a number – for instance, villages three (3) and four (4) are located to the east of Substation Road; and to the west, villages are shown indicated with letters. Mr. Sutton stated sheet five (5) shows the vehicular circulation of MBTS, which shows the direction of traffic through the main collector road as well as some internal subdivision streets. Mr. Sutton stated the main connector road will tie into Sea Star Village, up through Summerwind Village, which will continue up through Endless Summer Drive, and Endless Summer will tie into Roxana Road/Route 17. Mr. Sutton stated one of the biggest changes here is the applicant had three (3) entrances they were going

to pull off Roxana Road, but now there will only be two (2) entrances off Roxana Road. Mr. Sutton stated they have one entrance off Substation Road, which is existing, and there is an entrance design off Substation to come into Peninsula Village, and that will go into villages four (4) and three (3). Mr. Sutton stated the applicant is eliminating two (2) entrances on Substation – one and two being on the north side of the pond, on either side. Mr. Sutton further stated after looking at everything, the entrances were very close and the applicant wasn't able to get their turn light lanes in place, so, through discussions with DelDOT, the applicant decided to eliminate those two northern entrances. Mr. Sutton stated the only other change is, on the west side, on Powell Farm Road, where the applicant had about four (4) entrances coming in on there, but they've reduced it to two (2). Mr. Sutton stated this is all information which has been shared with DelDOT. Mr. Sutton stated, up where Summerwind Village is located, the applicant added the entrance coming into Egret Shores, which is the connector road. Mr. Sutton stated sheet six (6) is the bicycle and pedestrian network, which kind of mimics the DelDOT entrances, and is updated to match the vehicular network changes.

Mr. Lyons stated he has reviewed the master plan changes which have been proposed and the biggest changes are the reduction of DelDOT entrances, as Roxana Road went down from seven (7) to five (5). Mr. Lyons stated the existing Beebe site, there were two (2) entrances on the last master plan, but DelDOT only approved one. Mr. Sutton stated yes. Mr. Lyons stated Substation Road entrances went down from ten (10) to eight (8); and Powell Farm Road went from three (3) to five (5). Mr. Lyons stated he does know DelDOT is aware and has been reviewing all of the interconnections; and Mr. Lyons has been a part of those meetings. Mr. Lyons stated the only comment he had on the plan is the applicant is showing the entrance going into Egret Shores subdivision on the west side but there is also one on the east side which is not shown on this map, and having said entrance is pretty much in line with the "middle road" on village four (4). Mr. Sutton stated at this point, the applicant is requesting that entrance not be installed or put in place as it affects lots and density on the applicant's side by removing one, if not two, lots to make that connection work; and it's a financial burden for the applicant. Mr. Sutton stated there's also really no need for that section of Egret and MBTS to tie into each other because there's "nowhere for them to go." Mr. Sutton stated they understand why the entrance is needed on the other side, which is why the applicant put it in – so people from Egret Shores can leave and go a more direct route to Roxana Road – but there's no place for the other connector road to send anyone except into each other's subdivisions and to get lost within their streets. Mr. Lyons stated he understands the applicant is requesting it but be reminded the interconnectivity is a part of the Town's comprehensive plan requirements, has also been requested of Egret's developer, and the MBTS master plan area in general, according to the Town Code, is set up to more closely align with all comprehensive plan requirements because it is able to do that in a master plan area, whereas in other areas, it's not. Mr. Lyons stated to get the request made, it would have to go before Town Council to have the entrance removed. Mr. Sutton stated at this point, they would like to continue to move forward with the caveat that it's P&Z's recommendation to install the entrance, and the applicant can "make their case" to Council to remove the entrance. Mr. Lyons stated if P&Z did make the recommendation, they would have to include the caveat that the applicant is requesting this but P&Z either agrees or disagrees with the request. Mr. Plocek stated he can tell the developer this P&Z is very much in favor of connecting communities together and they'd have to look at a pretty good reason to not connect these two communities before they would recommend approval of removing the entrance.

Mr. Plocek stated he is concerned with the recreational amenities on these concept plans, and he knows they have the big lifestyle center now, but it's very much overused. Mr. Sutton stated if the commission looks to the left, the applicant is proposing a new amenity (where the magenta asterisks are located on the map). Mr. Plocek stated he does see the proposed area, but the applicant needs to look at putting in more than a little pool, but also a fitness area and larger pool. Mr. Plocek stated the applicant should be looking specifically at villages three (3) and four (4), and trying to create something in that area to "take care of that side of the roadway." Mr. Plocek stated he is concerned on the other side of Roxana Road, where the applicant is coming out through the wetlands, because they'll have to cut down a lot of wetlands to make the roadway. Mr. Sutton stated that is a pedestrian walkway and is not a vehicular roadway; and their entrance drive is currently there. Mr. Sutton stated no wetlands will be impacted by the trail system. Mr. Plocek stated he would like the applicant to consider walking trails along Roxana Road, which connect to other trail systems. Mr. Sutton stated they will have to install the ten (10)-foot wide shared use path along the entire length of Roxana Road as they make their way into the road design system. Ms. Botchie asked Mr. Plocek if P&Z will recommend the applicant amend this master plan to add more amenities before the applicant goes to Council. Mr. Plocek stated yes.

#### **D. Citizens Privilege**

Mr. Tim Roe, of Center Point Road, stated he doesn't see much mixed use in this master plan. Mr. Sutton stated the red area on the master plan map will be the area for mixed uses. Mr. Roe asked if the applicant knows if there are any current plans of use for the area. Mr. Sutton stated it's a little premature to talk about what the applicant is doing there as that side will be followed up on "a couple months down the road" and they'll then come in with some kind of plan. Mr. Hart stated yes. Mr. Lyons stated even though the Beebe Healthcare and assisted living centers have been sold off to other developers, they are still a part of the MBTS master plan area and do go toward the master plan area's mixed use.

#### **E. Continued review, discuss and possible vote on a recommendation to Council a revision to the Millville by the Sea Master Plan and Development Performance Standards, submitted by Civil Engineering Associates Inc. on behalf of Ardent Companies LLC.**

Mr. Jeff Clark stated the development performance standards document remains mostly unchanged, and the modifications on pages one (1) through six (6) are characterized as "basic housekeeping measures." Mr. Clark stated the first page is nothing more than a change of date and they're proposing to remove the text with the red line strikethrough. Mr. Clark stated page five (5) has a series of sentences the applicant is proposing to remove as they no longer apply. Mr. Plocek stated the commission has no questions or comments on the changes on pages one (1) through (6). Mr. Clark stated page seven (7) is basically a recap of what Mr. Sutton just presented, where the master plan drawings themselves, two (2) through six (6), and the other part of the page is just a section of text which is proposed to be removed, but some additions regarding a concept plan. Mr. Plocek stated regarding the new text on page seven (7), where it states "may include a member of the Millville Planning and Zoning Commission ...," Mr. Plocek would like to leave the language as it currently states and change the word "may" to "shall." Ms. Botchie agreed. Mr. Clark stated OK.

Mr. Clark stated part of the presentation for the standards are some graphics which are up on the screen, and the first one, for page eight (8) of the standards, shows the setbacks are unchanged but the change proposed is for a collector road and interior street. Mr. Clark stated the right-of-way (ROW) for this type of intersection should be rounded with a minimal radius of twenty (20) feet, and this condition will also require the building restriction (setback) line to have a radius to maintain the required front yard setback. Mr. Clark stated the blue line represents the ROW line and it must be a radius of at least twenty (20) feet. Mr. Clark stated such a restriction would also maintain the ten (10)-foot setback, which would also require the red line (building restriction line) would also have to have a radius on it. Mr. Lyons stated this is what is typical in all situations right now in MBTS. Mr. Clark stated the side yard setback is seven (7) feet, so there are fourteen (14) feet in the side yard between buildings. Mr. Clark stated the ten (10) feet front yard setback and the garage entrance, which under current Code needs to be set back twenty (20) feet from the front yard setback line. Mr. Clark stated the next slide has the same type of scenario except there are two (2) interior streets intersecting.

Mr. Clark stated the next drawing is for page nine (9), and this item addresses the parking where the proposed language is for single family detached parking provided the ratio of three (3) parking spaces per unit, which replaces the previous two (2) spaces per unit plus one-and-a-half (1 ½) space requirement for guest parking. Mr. Clark stated the proposal here is a parking space may be garage spaces, driveway spaces, parking pads or courts, on-street parking, or shared driveways. Mr. Clark stated this graphic does not show shared driveways as the applicant doesn't know if they'll have such a feature. Mr. Clark stated they do show an example of parking pads or courts, which is located on the right side of the graphic. Mr. Clark stated this graphic shows a two (2)-car garage, with two (2) cars parked in the driveway, showing four (4) off-street parking spaces per house, with an offering of on-street guest parking along the interior street. Mr. Clark stated the interior houses have up to five (5) parking spaces for each house. Mr. Lyons stated he has reviewed the language here and he had an additional comment to be added to the language stating at least two (2) of the spaces will be accommodated by off-street parking, which is just a guarantee it will meet the same Town Code zoning requirements, which states all residential uses have at least two (2) off-street parking spots. Mr. Clark stated he understands, they'll make the change, and that could be satisfied with a house with no garage at all.

Mr. Clark stated slide E shows a collector road and interior street, and this pertains to single family attached – or duplex – housing. Mr. Clark stated the intersection shall be rounded with a minimum radius of twenty (20) feet, just like with the single family detached. Mr. Clark stated this condition will also require the building restriction (setback) line to have a radius as well. Mr. Lyons stated it looks like this graphic is showing the requested change in 3-E of the minimum side yard setbacks from fifteen (15) feet to ten (10) feet. Mr. Clark stated yes, between adjacent duplexes. Mr. Lyons stated, for the P&Z, he did review this and looked at various items in communities within Millville to see if this was “in line,” and the only duplexes the Town has which have actual building lots are in Village 8. Mr. Lyons further stated twenty (20) feet between buildings is typical, and the Town also has it in other developments between townhouses. Mr. Lyons stated this is a requested change so it is up for P&Z to review. Mr. Clark stated the side yard was reduced from fifteen (15) to ten (10), so the space between buildings would be reduced from thirty (30) feet to twenty (20) feet. Mr. Clark stated the next slide (F) is

also single family attached, which shows the parking, and the changes from the current two (2)-plus-one (1) space requirement to the requested change of three (3) spaces per unit – and per Mr. Lyons, each unit has to have two (2) off-street spaces. Mr. Clark stated with this particular drawing, there is a garage and driveway, plus on-street parking as need be. Mr. Clark stated the last graphic (G) pertains to townhomes and one of the changes in red, which is “multi-family,” has the definition the product type may include townhomes and apartments. Mr. Clark stated the next change in text is the proposal of the minimum distance between adjacent buildings going from thirty (30) feet to twenty (20) feet. Mr. Plocek stated he doesn’t think the P&Z commission is in agreement with this particular item regarding reducing the spacing. Mr. Gevinson and Mr. Faden agreed. Mr. Lyons stated he did review this and his comment was based on what he saw in other areas where the Town has townhomes which are within twenty (20) feet of each other, but he also caveated it with any other multi-family use would remain at thirty (30), which is what is seen within other areas; but it is the commission’s choice to recommend one or the other. Ms. Botchie asked Mr. Lyons if he’s saying in other residential planned communities (RPCs) between townhomes, twenty (20) feet between buildings is “the norm.” Mr. Lyons stated yes, as in Bishop’s Landing there is twenty (20) feet between the townhomes, but he’d have to check about the existing Sand Dollar Village (MBTS) as those were put in before these regulations. Ms. Botchie stated she thought, for definition purposes, they were going to include apartments and condominiums. Mr. Clark stated they were going to include apartments. Ms. Botchie asked if the application for Schell Brothers is thirty (30) feet between buildings. Mr. Lyons stated yes, but those are for apartments. Ms. Botchie stated she thinks she’s hearing because these aren’t apartments, the commission wants to remain at thirty (30) feet. Mr. Plocek stated he thinks if the applicant changes the wording and says townhomes could go down to twenty (20) feet, all of the multi-family uses would have to stay at thirty (30) feet. Mr. Clark stated the parking on the G slide shows the two (2) off-street parking spaces. Mr. Clark stated each unit shows the single car garage for each unit, but, on the end units of townhouses, which are typically wider, there are three (3) off-street parking spaces. Mr. Clark stated there are also still parking bases, as seen on the interior street to the right. Mr. Plocek stated he thinks the applicant needs to add the language about two of the three spots which need to be off-street parking. Mr. Clark stated they’ll make that a universal change for all three (3) conditions.

Mr. Plocek asked, on page thirteen (13), under open space, is the applicant setting any standards for something to the effect of so many pools or recreation centers per resident? Mr. Clark stated no, they are proposing anything in this set of revisions. Mr. Plocek stated he would like to see sometime in the future, for the applicant to identify to people buying these homes that once the “magic number has been reached,” a certain type of recreation facility has to be built to satisfy that number of homes. Mr. Hart stated he is in agreement and it will be laid out in much more detailed fashion going forward.

Mr. Gevinson motioned to recommend to Council for approval a revision to the Millville by the Sea Master Plan and Development Performance Standards with revisions as discussed this evening to be made before coming before Council review. Mr. Faden seconded the motion. Motion carried 3-0-1 abstention, with Mr. Roe abstaining. Mr. Roe rejoined the meeting.

## **5. CITIZENS PRIVILEGE**

There were no comments.

**6. ANNOUNCEMENT OF NEXT MEETING**

Mr. Plocek stated the next P&Z meeting is scheduled to be on Thursday, March 11, 2021.

**7. ADJOURNMENT**

Mr. Gevinson motioned to adjourn the meeting at 8:18 p.m. Mr. Faden seconded the motion.

Motion carried 4-0.

Respectfully submitted and transcribed  
by Matt Amerling, Town Clerk